

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-cv-649-FL

AMY SPARKS, INDIVIDUALLY, AND
ROBERT D. SPARKS, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JARRED B. SPARKS,

Plaintiffs,

v.

OXY-HEALTH, LLC and OXY-HEALTH
CORPORATION

Defendants.

ORDER GRANTING MOTION TO SEAL

For good cause shown, the Court hereby GRANTS the motion of non-party Hyperbaric Technologies, Inc. (HTI) to seal the following exhibits:

- Exhibits B and H to the Declaration of Timothy C. Ammer in support of Defendants' motion to exclude the testimony of Plaintiffs' experts W.T. Workman, Ronald Natoli, and Nancy Grugle (ECF Nos. 46, 47);
- Exhibits M, N, and Q to the declaration of Kevin Chignell in support of Defendants' motion for summary judgment (ECF Nos. 48, 49, 50); and
- Exhibits A, B, and D to Plaintiffs' motion to exclude certain testimony of HTI President and CEO Peter Lewis (ECF Nos. 53, 54, 55).

The Court finds that these documents contain confidential commercial information proprietary to HTI, and that public dissemination of this information would harm HTI. The Court finds that this harm outweighs any right to access granted by the First Amendment or by common law.

The public has been given notice of HTI's request to seal. No opposition to the motion has been filed by any party or non-party despite a reasonable opportunity to do so.

Further, the Court has considered less drastic alternatives to sealing and finds that alternatives to sealing these exhibits do not exist at the present time.

THEREFORE, it is ORDERED that ECF Document Numbers 46-50 and 53-55 will be sealed.

This 15th day of _____ January, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter of "Louise" is a large, ornate capital. The signature is positioned above a horizontal line.

The Honorable Louise W. Flanagan
United States District Judge